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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/723,191	11/25/2003	Madalene C.Y. Heng	9054		
7590 05/18/2006			EXAM	EXAMINER	
Jack C. Munro			AHMED, HASAN SYED		
Suite 225 28720 Roadside	e Drive		ART UNIT	PAPER NUMBER	
Agoura Hills, (	CA 91301		1615		
		***	DATE MAILED: 05/18/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		10/723,191	HENG, MADALENE C.Y.			
Office Action Summary		Examiner	Art Unit			
		Hasan S. Ahmed	1615			
The MAILING DATE of thi Period for Reply	s communication app	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY F WHICHEVER IS LONGER, FRC - Extensions of time may be available under after SIX (6) MONTHS from the mailing da - If NO period for reply is specified above, th - Failure to reply within the set or extended p	DM THE MAILING DA the provisions of 37 CFR 1.13 te of this communication. e maximum statutory period w period for reply will, by statute, three months after the mailing	IS SET TO EXPIRE 3 MONTH() TE OF THIS COMMUNICATION 6(a). In no event, however, may a reply be timil apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI date of this communication, even if timely filed	l. the mailing date of this communication. (35 U.S.C. § 133).			
Status						
1) Responsive to communica	ation(s) filed on					
2a) This action is FINAL.	· · · · · · · · · · · · · · · · · · ·	action is non-final.				
<u>'</u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with	the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.			
Disposition of Claims						
4) Claim(s) 1-11 is/are pendida 4a) Of the above claim(s)	*	vn from consideration				
5) Claim(s) is/are allo						
6)⊠ Claim(s) <u>1-11</u> is/are reject						
7) Claim(s) is/are obje						
8) Claim(s) are subject	ct to restriction and/or	election requirement.				
Application Papers						
9) ☐ The specification is objected	ed to by the Examine	·.				
10) The drawing(s) filed on	•		Examiner.			
Applicant may not request th	at any objection to the o	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(	•	on is required if the drawing(s) is obj aminer. Note the attached Office				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made	of a claim for forcian	priority under 35 U.S.C. & 110(a)	(d) or (f)			
a) All b) Some * c) □		priority under 35 0.5.0. § 119(a)	-(u) or (i).			
•		s have been received.				
·	•	s have been received in Application	on No			
•	•	ity documents have been receive				
application from the	International Bureau	(PCT Rule 17.2(a)).				
* See the attached detailed C	Office action for a list of	of the certified copies not receive	d.			
Attachment(s)			1070 440			
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawi</li> </ol>		4) Interview Summary Paper No(s)/Mail Da				
3) Information Disclosure Statement(s) (I Paper No(s)/Mail Date		r=-	atent Application (PTO-152)			

## **DETAILED ACTION**

Receipt is acknowledged of the application filed on 25 November 2003.

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Specifically, claims 1 and 7 recite "...an enzyme which digests a cementing substance contained within the epidermis skin." However, the specification does not disclose which particular enzyme is being referred to and which particular cementing substance is the target of the recited enzyme. Nor does it disclose a mechanism of action by which said enzyme digests said cementing substance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claims 1 and 7 recite a generic "enzyme" and a generic "cementing substance" without disclosing a particular enzyme or cementing substance.

Furthermore, claim 7 recites "[a] medicine for treating acne...," suggesting a singular formulation. However, the claim goes on to recite a treatment regimen comprising an orally administered agent, as well as a topical composition. It is unclear which formulation, if any, the preamble refers to. Claims 8-11 are rejected because they depend from claim 7.

#### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Beerse, et. al. (U.S. Patent No. 6,294,186).

Beerse, et. al. disclose a composition for the treatment of acne (see col. 3, lines 49-63).

The disclosed composition is the instant composition as claimed. A disclosed anti-inflammatory agent is, *inter alia*, the curcumin of instant claim 2 (see col. 22, line 35). A disclosed "second agent" is, *inter alia*, the ascorbic acid and citric acid of claim 3 (see col. 20, line 17; col. 56, line 21).

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The stimulation of production of an enzyme which digests a cementing agent contained within the epidermis recited in claim 1 is deemed an inherent physiological response to the disclosed active agents.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beerse, et. al. (U.S. Patent No. 6,294,186) in view of Mezick (U.S. Patent No. 4,487,782).

Beerse, et. al. teach a composition for the treatment of acne (see above).

The disclosed composition is comprised of 0-98% water (see col. 9, line 31); 0-95% alcohol (see col. 9, lines 40-43); 0.01-10% cellulose (see col. 9, line 61; col. 10, line 40); 0.1-10% urea (see col. 36, lines 20-22); 0.3% carbomer (see examples 11-15); and .001-10% curcumin (see col. 20, line 41; col. 22, line 36).

The disclosed composition exhibits a pH in the range of about 1 to about 7 (see col. 19, lines 37-42).

The Beerse, et. al. reference differs from the instant case only in that it does not disclose use of high doses of orally administered Vitamin A in conjunction with topical application of an acne treatment.

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Mezick teaches a method for treating acne (see col. 1, lines 6-7). Mezick explains that large oral doses of vitamin A, at doses of 300,000 – 500,000 l.U., are known to be beneficial in the treatment of acne (see col. 1, lines 50-59).

A person of ordinary skill at the time of the invention would therefore find motivation to combine oral doses of vitamin A with a topical treatment for acne as taught by Beerse, et. al. in view of Mezick. Motivation to combine these therapeutic approaches would come from increased efficacy in the treatment of acne due to their a synergistic effect.

Therefore, those of ordinary skill in the art would expect similar increased efficacy in the treatment of acne by combining high doses of orally administered vitamin A with the instant composition, given the teachings of Beerse, et. al. in view of Mezick. The instant composition would have been obvious given the teachings of Beerse, et. al. in view of Mezick.

#### Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hasan S. Ahmed whose telephone number is 571-272-4792. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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